

Hungary, to New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Box) "Szent Istvan vedjegyu Gyongy Kaveszem Made in Hungary 0.90 dkg netto Kobanyal Polgari Serfozo es Szent Istvan Tapszermuvek R. T."

Adulteration of the article was charged under the allegation that it contained a spirituous liquor, namely, alcohol.

On February 17, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25783. Adulteration and misbranding of preserves. U. S. v. 21 Cases and 25 Cases of Assorted Alleged Preserves. Default decrees of condemnation and destruction.** (F. D. nos. 87114, 87115. Sample nos. 40029-B, 40030-B, 40032-B, 40033-B, 40034-B, 51156-B to 51160-B, incl.)

These cases involved interstate shipments of assorted so-called preserves. The blackberry, strawberry, peach, grape and damson flavors were insufficiently concentrated and contained added pectin; the blackberry, strawberry, peach, pineapple, and raspberry flavors contained added acid; and the quantity of the contents of the packages of each of the several products was less than that represented on the labels.

On January 27, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court two libels, one praying seizure and condemnation of 21 cases; and the other, 25 cases of assorted so-called fruit preserves, at Baltimore, Md., alleging respectively that the articles had been shipped in interstate commerce on or about October 24 and November 30, 1935, by the Old Virginia Packing Co., from Front Royal, Va., and that they were adulterated and misbranded in violation of the Food and Drugs Act.

The articles in the 21-case lot were labeled: "'Queen's Taste' Brand Fancy Pure Preserves Peach [or 'Grape', 'Damson', 'Blackberry', or 'Strawberry'] Net Wt. 1 Lb. Packed for Frey Associated Houses, Baltimore, Md." The articles in the 25-case lot were labeled: "Old Virginia Brand Pure Blackberry [or 'Pineapple', 'Peach', 'Strawberry', or 'Raspberry'] Preserves Old Virginia Packing Co., Inc. Front Royal, Va., U. S. A. 2 Lbs. Net Wt."

The peach, blackberry, and strawberry flavors were alleged to be adulterated in that water, added pectin, and added acid had been mixed and packed with the articles so as to reduce, lower, or injuriously affect their quality; in that water, added pectin, and added acid had been substituted in part for the articles; and in that water, added pectin, and added acid had been mixed with the articles in a manner whereby inferiority was concealed. The grape and damson flavors were alleged to be adulterated in that water and added pectin had been mixed and packed with the articles so as to reduce, lower, or injuriously affect their quality; in that water and added pectin had been substituted in part for the articles; and in that water and added pectin had been mixed with the articles in a manner whereby inferiority was concealed. The pineapple and raspberry flavors were alleged to be adulterated in that added acid had been mixed and packed with the articles so as to reduce, lower, or injuriously affect their quality; in that added acid had been substituted in part for the articles; and in that added acid had been mixed with the articles in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements, "Pure Pineapple [or 'Raspberry', 'Blackberry', 'Peach', or 'Strawberry'] Preserves 2 Lbs. Net Wt.", with respect to the 25-case lot and the statements, "Pure Preserves Grape [or 'Damson', 'Peach', 'Blackberry', or 'Strawberry'] Net Wt 1 Lb.", with respect to the 21-case lot were false and misleading and tended to deceive and mislead the purchaser when applied to products of the composition indicated and to packages containing less than the amount declared. All of the several articles were alleged to be further misbranded in that they were imitations of and were offered for sale under the distinctive names of other articles, and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On March 5 and March 23, 1936, no claimant having appeared, decrees of condemnation were entered, and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*